

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No.: 18-790(DSD/SER)

Maksud Ul Mahbub,

Plaintiff,

v.

ORDER

Kurt Freitag, Sheriff, Freeborn County;
Jack G. Serier, Sheriff, Ramsey County;
John Choi, Ramsey County Attorney,
Ramsey County; and Lori Swanson,
Attorney General, State of Minnesota,

Defendants.

This matter is before the court upon the objection by defendants Kurt Freitag, Sheriff of Freeborn County, and Freeborn County to the April 30, 2019, report and recommendation of Magistrate Judge Steven E. Rau (R&R). The magistrate judge recommended that the court enter default judgment against the Freeborn County defendants due to their failure to respond to the complaint. The court reviews the R&R de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b).

The Freeborn County defendants timely objected to the R&R, and have apologized for their failure to respond to the complaint. They argue that the R&R should be overruled and that the complaint should be dismissed as moot. Although the court is troubled by defendants' failure to respond to this lawsuit, the case cannot proceed under the current facts.

Plaintiff Maksud Ul Mahbub's claim against the Freeborn County defendants is based on his alleged inability to access needed legal

resources while housed at the Freeborn County Detention Center. He requested only injunctive relief relating to that claim.

Although his exact location is unknown, it appears that Mahbub is no longer detained in the Freeborn County Detention Center. His address is listed as a private residence in Maple Grove, Minnesota, but he has also indicated to the court that he has been deported. See ECF No. 34. In any event, the fact that he is no longer in the Freeborn County Detention Center means that he cannot maintain a claim for injunctive relief against the Freeborn County defendants. As a result, the court must decline to adopt the R&R.

Accordingly, **IT IS HEREBY ORDERED** that the claim against Kurt Freitag and Freeborn County is dismissed with prejudice as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 17, 2019

s/David S. Doty

David S. Doty, Judge
United States District Court